

REMARKS

By this amendment, Applicant has amended claim 22 to properly recite its dependency.

Claims 1-2, 4-8, 18-19 and 21-22 remain for consideration in the application.

Claim Objections

Claim 22 is objected to as being incomplete since it depends from canceled claim 20.

The dependency of claim 22 has been amended so that it depends from claim 18.

Claim Rejections Under 35 U.S.C. § 103

Claims 1, 2, 4-8, 18, 19, 21 and 22 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Redding (U.S. Patent No. 3,552,599) in view of Clarke et al. (U.S. Patent No. 5,667,113). Applicant traverses.

The tapered columns of the present claims 1 (as amended) and 18 are “molded-through” and “hollow.” The Figures and specification, which must be considered when determining scope of the claims, clearly show and describe columns that are hollow, that is, have no walls or obstructions therein. Redding, as has already been shown, does not have hollow columns that are molded through. The Office Action asserts that “hollow and molded-through” does not preclude a wall. By any definition of “hollow” and “molded-through” Applicant strongly disagrees. Further, it is clear from a reading of the specification, at page 10, lines 3-17, that a “wall” in the hollow columns would be directly in contrast to the uses of the tapered columns, including anchoring a tank, filling the columns with back-fill, allowing water to rise through a hollow, and the like. Applicant therefore submits that the terms of the claims do preclude the structure of Redding. The ports of Redding are not hollow and through-molded as those terms are used in the present claims.

Clarke is cited only for port opening sizes. It does apparently show a front to rear through port, but is not amenable to burying like a septic tank, nor is the blow molded fuel tank of Redding. The claim that Redding is inherently capable of performing as a septic tank is wholly unsupported. If it truly is inherent, Applicant requests that a reference to support such a claim be provided. Absent that, it is clear from a reading of Redding that it was never intended

REPLY UNDER 37 CFR 1.116 –

EXPEDITED PROCEDURE – TECHNOLOGY CENTER 2600

Serial No. 10/600,263

Title: THERMOPLASTIC MOLDED TANK

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to be buried or to support the immense pressures of being buried. Instead, it is a vehicle fuel tank. Further, the ports 30 in Redding are specifically recited to allow the fuel tank to expand without rupturing under internal pressure. Instead of able to be used inherently as a septic tank, Applicant respectfully submits that the tank of Redding is inherently unable to be used as a septic tank designed to withstand pressures. The Redding tank is designed to give under pressure, not withstand it. Neither is Clarke designed to be used as a septic tank. No combination of Redding and Clarke teaches or suggests the subject matter of the claims.

The claims are all clearly in condition for allowance. Claims 2, 4-8, 19, and 21-22 depend from and further define one of patentably distinct claims 1 or 18 and are also believed allowable.

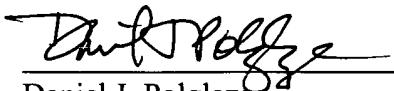
CONCLUSION

In view of the above amendments and remarks, Applicant believes that all pending claims are clearly and facially in condition for allowance and respectfully requests a Notice of Allowance be issued in this case. Please charge any further fees deemed necessary or credit any overpayment to Deposit Account No. 501373.

If the Examiner has any questions or concerns regarding this application, please contact the undersigned at (612) 312-2203.

Respectfully submitted,

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